

SERVED: October 21, 2004

NTSB Order No. EA-5120

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 14th day of October, 2004

_____)	
MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-17013
v.)	
)	
JOHN HENRY FORD,)	
)	
Respondent.)	
_____)	

OPINION AND ORDER

The respondent has appealed from the oral initial decision Administrative Law Judge William E. Fowler, Jr., rendered in this proceeding on March 4, 2004, at the conclusion of an evidentiary hearing.¹ By that decision, the law judge affirmed an emergency order of the Administrator revoking respondent's Airframe-Powerplant Mechanic and Maintenance Repairman certificates for his alleged violations of sections 43.10(c) and (d); 43.13(a) and

¹An excerpt from the hearing transcript containing the initial decision is attached.

(b); 43.5(a); 43.9(a), (1), (2), (3) and (4); and 91.417(a)(1), (2)(i) and (ii) and (c) of the Federal Aviation Regulations ("FAR," 14 C.F.R. Parts 43 and 91).²

The facts of this case are not complicated, notwithstanding the numerous regulations they implicate. The Administrator's December 3, 2003 order, which served as the complaint before the law judge, alleged, among other facts and circumstances concerning the respondent, the following:

2. From on or about June 8, 2003, to on or about July 10, 2003, you performed maintenance on a Hiller UH12-H23D helicopter, identification number N22SP.
 - a. You removed life-limited TT [Tension-Torsion] pins from helicopter N22SP and failed to ensure that the TT pins were controlled using one of the acceptable methods prescribed in Section §43.10...to deter their installation after they reached their life-limit.
 - b. After removing the life-limited TT pins from helicopter N22SP you installed a different set of TT pins.
 - c. The different set of life-limited TT pins you installed into helicopter N22SP had already surpassed their life-limit.
 - d. The TT pin is used in a helicopter rotor assembly and is a life-limited part that must be controlled to deter its installation after it has reached its life limit.
 - e. You maintained helicopter N22SP and failed to make an entry in the maintenance record of that equipment containing: a description (or reference to data acceptable to the Administrator) of work performed; the date of completion of the work performed; and the name of the person performing the work, or the signature, certificate number, and kind of certificate held by the person approving the work.

²A copy of the Emergency Order of Revocation containing a description of the regulations alleged to have been violated is attached. Respondent waived expedited appellate procedures.

- f. You performed maintenance on helicopter N22SP without using the methods, techniques, and practices prescribed in the current manufacturers maintenance manual or other methods, techniques, and practices acceptable to the Administrator.
 - g. You performed maintenance on helicopter N22SP without doing the work in such a manner, and using materials of such a quality, that the condition of the helicopter N22SP was at least equal to its original or properly altered condition.
 - h. On or about August 4, 2003, a Federal Aviation Administration (FAA) inspector requested you make helicopter N22SP required maintenance records available for inspection by the Administrator.
 - i. You failed to make all required maintenance records available for inspection by the Administrator.
3. From on or about June 8, 2003, to on or about July 10, 2003, you performed maintenance on a Hiller UH12-D helicopter, identification number N62361.
- a. You removed life-limited TT pins from helicopter N62361 and failed to ensure that the TT pins were controlled using one of the acceptable methods prescribed in [FAR section 43.10].
 - b. After removing the life-limited TT pins from helicopter N62361 you installed a different set of TT pins.
 - c. The different set of TT pins you installed into helicopter N62361 had not been controlled using one of the acceptable methods prescribed in [FAR section 43.10].
 - d. You maintained helicopter N62361 and failed to make an entry in the maintenance record of that equipment containing: a description (or reference to data acceptable to the Administrator) of work performed; the date of completion of the work performed; and the name of the person performing the work, or the signature, certificate number, and kind of certificate held by the person approving the work.
 - e. You approved helicopter N62361 for return to service after it had undergone maintenance although the required maintenance record entry had not been made.
 - f. You performed maintenance on helicopter N62361

without using the methods, techniques, and practices prescribed in the current manufacturers maintenance manual or other methods, techniques, and practices acceptable to the Administrator.

- g. You performed maintenance on helicopter N62361 without doing the work in such a manner, and using materials of such a quality, that the condition of the helicopter N62361 was at least equal to its original or properly altered condition.
- h. On or about August 4, 2003, a Federal Aviation Administration (FAA) inspector requested you make helicopter N62361 required maintenance records available for inspection by the Administrator.
- i. You failed to make all required maintenance records available for inspection by the Administrator.

The law judge concluded, among other things, that respondent, as alleged, had replaced the life-limit expired TT pins from helicopter N62361 with TT pins from helicopter N22SP, and he had installed the worn out pins from helicopter N62361 into helicopter N22SP. He further concluded that respondent had performed this maintenance without making required entries in the records of either helicopter and without updating helicopter N62361's maintenance records to indicate the current life status of the pins taken from helicopter N22SP, that is, the number of hours remaining before they, too, would require replacement.³

³Although it does not change our view as to the appropriate sanction for the many other charges, it is not entirely clear to us that the evidence can be said to support the allegation in paragraph 3.e. of the complaint that respondent approved N62361 for return to service after performing maintenance he did not record. Because respondent did not produce maintenance records he told an FAA inspector he had for both aircraft, there is no written proof of an approval for return to service for either. At the same time, respondent did, apparently, advise the owner of N62361 when he had completed the installation of 'new' pins, thereby indicating that the helicopter was again ready to fly.

The respondent owned and operated Raco Helicopters Corp., a business engaged in helicopter maintenance and helicopter flight instruction. He had an arrangement with the owner of N62361, Mr. Barry Glenn, under which respondent would maintain Mr. Glenn's helicopter and Mr. Glenn would provide flight instruction to Raco's students. N22SP, a helicopter of the same make and model as N62361, was at Raco for maintenance during the relevant period. It appears that respondent scavenged the TT pins from N22SP for installation on N62361 because those parts were in short supply during the summer of 2003, and no flight instruction revenue could be generated for Raco until N62361 was back in service. The owner of helicopter N22SP had previously denied respondent permission to use his TT pins in N62361.

The respondent's principal argument on appeal is that the evidence is not sufficient to sustain a finding that he swapped the TT pins on the two helicopters because no one actually saw him perform the maintenance. The argument is meritless. The uncontradicted testimony of the owners of each of the helicopters and the FAA inspector who investigated the matter establishes that respondent admitted to them that he removed and replaced the pins, as subsequently alleged in the Administrator's order. Inasmuch as respondent chose not to testify or present any other evidence in his defense, the law judge had no reason to question the credibility of these witnesses, or to look beyond their unrefuted accounts to determine whether someone else might have

been responsible.⁴

Respondent also argues that revocation is an excessive sanction. We disagree. This is the second time respondent's certificates have been revoked in the past three years for non-technical violations directly bearing on his trustworthiness as a certificate holder.⁵ This one alone would be sufficient to demonstrate that he lacks the necessary qualifications. By exchanging the TT pins without compliance with any of the applicable tracking or retirement procedures, respondent exhibited indifference, if not contempt, not just for a comprehensive maintenance system designed to ensure that critical parts are not used beyond a point at which their safety can be assured, but also for the well-being of those who might utilize the aircraft in which expired pins had been left in service or whose service history was not evident or ascertainable for want of proper documentation.⁶ A mechanic who puts others at risk by knowingly disregarding important maintenance safeguards provides ample proof that he cannot be trusted to discharge the responsibilities possession of a certificate imposes.

⁴Given respondent's admissions, it makes no difference that another mechanic may have been involved in some maintenance N22SP received at respondent's facility.

⁵In 2001, respondent's certificates were revoked for, among other things, intentional falsification of maintenance records and performing maintenance while his certificates were revoked.

⁶The TT pins hold a helicopter's main rotor in its hub. Their failure can obviously result in catastrophic misfortune.

ACCORDINGLY, IT IS ORDERED THAT:

1. The respondent's appeal is denied; and
2. The initial decision and the Administrator's Emergency Order of Revocation are affirmed.

ENGLEMAN CONNERS, Chairman, ROSENKER, Vice Chairman, and CARMODY, HEALING, and HERSMAN, Members of the Board, concurred in the above opinion and order.